

DEPARTMENT OF VETERANS AFFAIRS

**Justification and Approval
For
Other Than Full and Open Competition**

1. **Contracting Activity:** *Department of Veterans Affairs, Network Contracting Office (NCO) 7, Tuscaloosa VA Medical Center. This is a "Justification for Other Than Full and Open Competition". Solicitation# VA247-14-Q-0487 has been assigned to this procurement. The Purchase Request 2237# is 679-14-2-033-0119*
2. **Nature and/or Description of the Action Being Processed:** *Requesting a new service and support contract for MEDRAD Stellant® D Injection System and Overhead Counterpoise System, using authority in FAR 6.302-1, with sole source vendor MEDRAD, Inc 100 Global View Drive Warrendale, PA 15086-7601 Tel#: 800.633.7231. Medrad Services, Inc. has provided the services the past 3 years. The previous contract was VA247-13-P-0360 / 679-C35218.*
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** *The purpose of this procurement is to obtain services for a Direct Care Basic Service Agreement for a Medrad Stellant D Injector (EE# 32953) and Overhead Counterpoise System. The services required include Predictive Maintenance Coverage and Corrective Maintenance Coverage to include 24/7 telephone support and on-site emergency service. The services are needed for a base year period of (1) year (Award date thru 3/31/2015) plus (4) one year option periods, Yr 1 (4/1/15 – 3/31/16), Yr 2 (4/1/16 – 3/31/17), Yr 3 (4/1/17 – 3/31/18), and Yr 4 (4/1/18 – 3/31/19). All services for this contract must meet manufacturers' performance and technical specifications, Federal Regulations, FDA device certification and other specifications that may apply such as National Electric Code (NEC), Life Safety Code (LSC), the Joint Commission (JC), and VA Regulations.*
4. **Statutory Authority Permitting Other than Full and Open Competition:** *41 USC §253(g), as implemented by FAR 6.302.*
 - ☒ (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - ☐ (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - ☐ (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - ☐ (4) International Agreement per FAR 6.302-4
 - ☐ (5) Authorized or Required by Statute FAR 6.302-5;
 - ☐ (6) National Security per FAR 6.302-6;
 - ☐ (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):** *This facility has one auto-injector to facilitate completing CT Radiology scans with contrast. The medical equipment was originally purchased from and installed by Medrad, Inc. Furthermore they are the Original Equipment Manufacturer. Medrad has serviced the equipment since the Medical Center acquired it on 2/4/11. Medrad has stated that they do not subcontract any of their service work and that their software to properly calibrate the injectors is proprietary to MEDRAD. Furthermore, any warranty(s) could be voided if any other vendor worked on this medical equipment.*

Only One Responsible Source (FAR 6.302-1) – This is a follow-on contract for continued development and production of MEDRAD, Inc Contrast Injector equipment listed above which is highly specialized equipment, an award to any other source would result in a substantial duplication of cost to the Government that is not expected to be recovered through competition. MEDRAD, Inc is the manufacturer and sole provider of planned maintenance services for the specified equipment which uses proprietary software and OEM hardware. MEDRAD, Inc is certified to service this system with unlimited access to proprietary diagnostic software.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** *This equipment requires proprietary software that is not accessible to third party contractors. Additionally, MEDRAD, Inc has trained and certified Field Service Personnel who have unrestricted access to proprietary system diagnostic software. In accordance with FAR Part 5, this requirement will be synopsisized indicating the Government's intent to negotiate sole source with MEDRAD, Inc.*

A sources sought notice was published on FBO.gov which yielded 1 response and it was a Small Business who stated that they would issue a subcontract to MedRad and partner with them. This is not an appropriate process and MedRad would not agree to this. Also, Market Research was conducted using GSA eBuy, Small Business Dynamic Search, SAM and FPDS. No results were found that indicates that any other vendor could provide the needed services.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** *The nature of this service is non-competitive and as such the only basis to determine fair and reasonable price is past history. The Base Year cost along with each Option Year cost is estimated at a cost of \$6,063.00 each year. The total of the Base Year and all Options is estimated at \$30,315 for this contract and is considered fair and reasonable. This is based on the fact that historical pricing taken from the past 3 years has remained relatively unchanged. There appears to be roughly a 10% increase in cost since last year. Award will be made on the basis of price and past performance. Negotiation of reasonable price for services will be documented for the contract file. In accordance with FAR 15.403-1, this is a commercial service and cost and pricing data is not required.*
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** *As described in Section VI above, market research, in accordance with FAR Part 10, was conducted by synopsis of the proposed acquisition. No other vendor was identified that can provide the goods and services needed at the same costs while meeting the requirements described in Section V above. Market research was conducted with current award, previous awards, a search of other VISN contracts within the VHA and other agency contracts available on the Federal Business Opportunities (FBO) website. The market research substantiates the requesters claim that MEDRAD, Inc. is the only contractor that can perform this work due to the propriety nature of the software and hardware that must be utilized in the performance of this contract.*
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** *MEDRAD, Inc is acknowledged for its experience with several other VA Medical facilities throughout VHA.*
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** *One other firm has expressed interest in this acquisition. However, the proposed to subcontract or partner with MEDRAD, Inc.*
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** *The end user will continue to monitor the commercial marketplace to determine if any other vendors have been given the authorization to perform the needed services on this equipment.*
12. **Requirements Certification:** *I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.
(This signature is the requestor's supervisor, fund control point official, chief of service, someone with responsibility and accountability)*

Name

Title

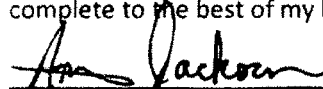
Tuscaloosa VAMC

Date

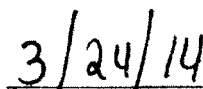
3/19/17

13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification:** (required) I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.




Antonio M. Jackson
Contracting Officer
Tuscaloosa VAMC

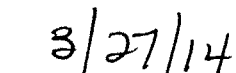


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- b. **NCM/PCM:** (Required \$3K and Above) I certify the justification meets requirements for other than full and open competition.



Prudence Howard
Director of Contracting
NCO 7



Date